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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,294	07/18/2003	M. Steve Lessley	14120	4116

7590 01/10/2007
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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/623,294	Applicant(s) LESSLEY ET AL.	
	Examiner Brenda A. Lamb	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/20/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 17-27, 29-31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 17-26, 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2006 has been entered.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 27 and 29-31 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the bottom of the module being perpendicular to the end of the module, does not reasonably provide enablement for bottom of the module being non-parallel to the end of the module. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

The only relationship between the end and bottom of the module in the system for applying coating materials onto a strand was set forth by the originally filed specification is one depicted by Figures 2-4. The recitation that the bottom of the module is non-parallel to the end of the module was added in the amendment filed 3/31/2005 in response to the first office action and thus applicant appears to be redefining the invention in a manner not contemplated by applicant in the original disclosure.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Louch et al.

Louch et al teaches a system for applying coating materials onto a strand wherein the system is comprised of the following elements: fluid dispensing device having a fluid dispensing orifice (elements 27-28) from which the fluid is dispensed, a strand guide member (elements 31-32) coupled to the fluid dispensing device, the strand guide for guiding a strand drawn past the liquid dispensing device; a strand orienting pin (elements 34-37) located between the strand guide member and the fluid dispensing orifice so that a strand drawn from the strand guide member over the fluid dispensing orifice is engaged with the strand orientation pin and a mounting and support module assembly which includes a separable mounting unit or module mounted on a stationary support (mounting plate 12 – see column 3 lines 40-43 and shown in figure). Louch et al fails to teach the fluid dispensing device is coupled to an end of the module and the fluid dispensing orifice is directed away from a bottom of the module, the bottom of the module is non-parallel to the end of the module. However, it would have been obvious to modify the Louch et al apparatus by supporting the fluid dispensing device on an end portion of a mounting support module or mounting plate 12 (end portion of

the mounting support module or mounting plate is non-parallel to the bottom of module) which in turn is coupled to stationary support which itself can be modular such as one being in the form of a known modular support wall system since Louch et al teaches supporting the strand guide member by attaching a support and mounting means 29 at the upper end of the body 33 which supports the guide strand member for the obvious advantage of such a modular support and mounting system - enable one to more easily mount and dismount the fluid dispensing device therefrom and the increased flexibility in set up of the modular system. With respect to claim 31, Louch et al dispensing device is capable of dispensing adhesive since it teaches every structural element of the claimed apparatus. Note it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990).

Claims 14,17-26 and 33-34 are allowed.

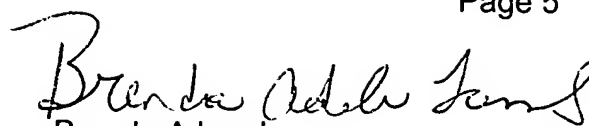
Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231.

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A handwritten signature in black ink, appearing to read "Brenda A Lamb". The signature is written in a cursive, flowing style with a large initial "B".

Brenda A Lamb

Examiner

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